

NOV 10 2004

BEFORE THE FEDERAL ELECTION COMMISSION

2004 :

4: 36

In the Matter of)

McCollum Victory Committee)

and D. Jan McBride, as Treasurer)

National Republican Senatorial Committee)

and Melinda Anderson, as Treasurer¹)

Republican Party of Florida (nonfederal account)²)

and Joel Pate, as Treasurer)

Republican Party of Florida (Federal Campaign Account)³)

and Joel Pate, as Treasurer)

Bill McCollum)

Bill McCollum for US Senate)

and Richard L. Pilhorn, as Treasurer)

John Thrasher)

MUR 5094

SENSITIVE

GENERAL COUNSEL'S REPORT # 2

I. ACTIONS RECOMMENDED

Take no further action against the McCollum Victory Committee and D. Jan McBride, as Treasurer ("Victory Committee"); the National Republican Senatorial Committee and Melinda Anderson, as Treasurer ("NRSC"); and the Republican Party of Florida (nonfederal account) and Joel Pate, as Treasurer ("RPOF"), regarding the Commission's reason to believe findings related

¹ According to its amended Statement of Organization on file with the Commission, Melinda Anderson is the current treasurer of the committee. Stan Huckaby was the treasurer at the time of the Commission's reason to believe findings

² According to its amended Statement of Organization on file with the Commission, Joel Pate is the current treasurer of the committee. Paul J Bedinghaus was the treasurer at the time of the Commission's reason to believe findings.

³ According to its amended Statement of Organization on file with the Commission, Joel Pate is the current treasurer of the committee. Paul J Bedinghaus was the treasurer at the time of the Commission's reason to believe findings

to 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.17(c).⁴

Find no reason to believe that Bill McCollum; Bill McCollum for US Senate and Richard L. Pilhorn, as Treasurer; John Thrasher; and the Republican Party of Florida (Federal Campaign Account) and Joel Pate, as Treasurer, violated the Federal Election Campaign Act of 1971, as amended ("the Act"), in this matter. Close the file as to all respondents in this matter.

II. BACKGROUND

This complaint-generated matter involves allegations that corporate contributions may have been raised to directly benefit the 2000 Senate campaign of former U.S. Representative Bill McCollum, of Florida's Eighth Congressional District.⁵ At the pre-reason to believe stage, the available information indicated that corporate contributions may have been raised improperly through joint fundraising among McCollum's Senate campaign committee (Bill McCollum for US Senate), the NRSC, and the RPOF.⁶ The Commission found reason to believe that the RPOF

⁴ All of the events relevant to this matter occurred prior to November 6, 2002, the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub L 107-155, 116 Stat 81 (2002). Accordingly, unless specifically noted to the contrary, all references or statements of law in this report regarding the Federal Election Campaign Act of 1971, as amended ("the Act"), pertain to that statute as it existed prior to the effective date of BCRA. Similarly, all references or statements of law regarding the Commission's regulations pertain to the 2002 edition of Title 11, Code of Federal Regulations, published prior to the Commission's promulgation of any regulations under BCRA.

⁵ The complaint was based on a September 8, 2000 article in the Miami Herald newspaper, which reported that former Florida House Speaker John Thrasher, as agent of Bill McCollum, sent an invitation that billed a \$20,000-per-ticket fundraising luncheon as a "benefit for the U S Senate campaign of U.S. Representative Bill McCollum." McCollum lost the 2000 general election for the Senate seat.

⁶ Information on file with the Commission showed that on August 8, 2000 McCollum's Senate campaign committee and the NRSC established the Victory Committee as a joint fundraising committee. The RPOF was not disclosed as a joint fundraising participant of that committee. Disclosure reports showed that the Victory Committee held a fundraiser on September 22, 2000 in Miami, Florida to raise funds for McCollum's 2000 Senate campaign.

1 violated 11 C.F.R. § 102.17(c).⁷ The Commission also found reason to believe that the Victory
2 Committee and the NRSC each violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.17(c).⁸ The
3 Commission approved separate Subpoenas to Produce Documents ("Subpoena") and Orders to
4 Submit Written Answers ("Order") directed to the Victory Committee, the NRSC, and the
5 RPOF.⁹

6 After conducting our investigation in this matter, the results of which are discussed in
7 detail below, this Office concludes that additional Commission resources should not be utilized
8 to proceed further in this matter, and that the Commission should exercise its prosecutorial
9 discretion and close the file in this matter.

10 **III. DISCUSSION**

11 To establish violations of the Act or the Commission's joint fundraising regulations based
12 on the complaint in this matter, it would be necessary to show that the Victory Committee, the
13 NRSC, or McCollum's Senate campaign raised or received corporate contributions in
14 conjunction with the Victory Committee's September 22, 2000 fundraiser, or that the Victory

⁷ The Commission's reason to believe finding was based on information indicating that the RPOF may have received corporate funds from the Victory Committee's fundraiser without being disclosed as a fundraising participant on the Victory Committee's Statement of Organization as required by 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.17(c)(3)(i)

⁸ This Office made no recommendations regarding Bill McCollum, Bill McCollum for US Senate and Richard L. Pilhorn, as Treasurer, John Thrasher, or the Republican Party of Florida (Federal Campaign Account) and its treasurer, who were notified of the complaint and are respondents in this matter

⁹ Pertinent documents and information, which are required by 11 C.F.R. § 102.17(c), concerning the details of the Victory Committee's joint fundraising arrangement (the agreement, joint fundraising notice, solicitation, etc.) were not available to the Commission at the pre-reason to believe stage. The Commission's discovery sought to determine the details of the joint fundraising arrangement, the involvement of the RPOF in the Victory Committee's fundraising activity, whether corporate contributions were raised in connection with the Victory Committee's fundraiser, and whether the RPOF acted in concert with any of the other respondents.

1 Committee or its participants engaged in joint fundraising activities with the RPOF. As
2 discussed below, the available information does not show that they did.

3 In their joint response to the Commission's Factual and Legal Analyses and in separate
4 responses to the Commission's Subpoena and Order, the Victory Committee and the NRSC both
5 denied that the Victory Committee raised or received corporate contributions, or that they
6 engaged in joint fundraising with the RPOF. See Attachment 1. They acknowledged that the
7 Victory Committee held a September 22, 2000 fundraiser in Miami, Florida but asserted that the
8 Victory Committee was strictly a federal joint fundraising committee, soliciting and collecting
9 only federal funds.¹⁰ See Attachment 1 at 1. They requested that the matter be dismissed.

10 The Victory Committee and the NRSC further stated that the Victory Committee had no
11 specific dealings with the RPOF and explained that the Victory Committee did not report the
12 RPOF as a participant on the Victory Committee's Statement of Organization because the RPOF
13 was not a party to any joint fundraising with the Victory Committee. See Attachment 1 at 2.
14 They provided a copy of the Victory Committee's joint fundraising agreement and a three-page
15 solicitation for the September 22, 2000 fundraiser. The fundraising agreement, executed on
16 August 4, 2000, identified the Victory Committee as a separate committee acting as the
17 fundraising representative and included an allocation formula for joint fundraising proceeds

¹⁰ They stated that former Florida House Speaker, John Thrasher, served as co-chairman of the September 22, 2000 fundraiser. See Attachment 1 at 4, 9

pursuant to 11 C.F.R. § 102.17(c)(1).¹¹ See Attachment 1 at 17.

The Victory Committee also provided a list of all pertinent contributions it received between August 15 and November 13, 2000.¹² See Attachment 1 at 14. The NRSC stated that it did not receive any additional funds in connection with the Victory Committee's fundraiser, other than the \$182,000 transfer from the Victory Committee on September 29, 2000 that it previously disclosed in its FEC reports. See Attachment 1 at 10. The NRSC stated that it made no disbursements in connection with the fundraiser.

In its response to the Commission's Factual and Legal Analysis, Subpoena, and Order, the RPOF acknowledged soliciting corporate contributions in conjunction with the Victory Committee's fundraiser, but asserted that no contributions resulted from the solicitation. See Attachment 2 at 3, 4. The RPOF asserted that, despite the solicitation, it neither raised funds nor made disbursements for the fundraiser, other than a \$10,086 reimbursement to its Finance Director, Robert "Rob" Carter, on November 6, 2000 for costs in connection with a hotel stay

¹¹ The three-page solicitation for the September 22, 2000 Victory Committee fundraiser prominently identified the Victory Committee as the entity conducting the fundraiser and showed the date, location, cost, and other particulars of the fundraiser. See Attachment 1 at 23. The cost to attend the fundraiser was listed as \$20,000 per couple and \$10,000 per person for a private reception, photo opportunity and luncheon, and \$500 for the luncheon only. Checks were to be made payable to the Victory Committee. Pursuant to 11 C.F.R. § 102.17(c)(2), the second page of the solicitation, with a heading of "CONTRIBUTOR INFORMATION," included a fundraising notice that identified McCollum's Senate campaign and the NRSC as participants in the Victory Committee and advised that corporate contributions were prohibited. See Attachment 1 at 24. The fundraising notice included the joint fundraising allocation formula, a statement that contributors may designate contributions to a particular participant, and a statement that contributions may be reallocated as necessary to comply with federal campaign finance regulations. The notice also included a disclaimer stating that the solicitation was paid for and authorized by the Victory Committee. The third page of the solicitation consisted of a "RSVP" form. See Attachment 1 at 25.

¹² The contribution list included contributions from the September 22, 2000 fundraiser and other contributions. Regarding the contributions from the fundraiser, the list tracked the Victory Committee's disclosure reports on file with the Commission. The disclosure reports showed that the Victory Committee received a total of \$207,550 in contributions from the September 22, 2000 fundraiser; \$182,000 of that amount was transferred to the NRSC and \$5,000 was transferred to McCollum's Senate campaign. Those contributions and transfers were addressed in the First General Counsel's Report in this matter.

1 from September 20 through September 22, 2000 at the same hotel where the Victory Committee
2 fundraiser was held. See Attachment 2 at 11-12, 24. The RPOF reiterated that it did not spend
3 any nonfederal funds to benefit any U.S. Senate campaign during the 2000 election cycle,
4 including McCollum's campaign. It also pointed out that, since it did not participate in joint
5 fundraising with the Victory Committee, there was no need to enter into a joint fundraising
6 agreement with that committee. Finally, the RPOF denied that it violated the Act or Commission
7 regulations and requested that the matter be dismissed.

8 The RPOF provided a copy of the solicitation. The single-paged solicitation, entitled
9 **THE "MCCOLLUM VICTORY COMMITTEE" Fact sheet for corporate contributions,**
10 directed contributors to "make all checks payable to: Republican Party of Florida." See
11 Attachment 2 at 9. The solicitation also included the following statement: **A corporation's**
12 **contribution to the Republican Party of Florida will help Bill McCollum's effort to replace**
13 **retiring Senator Connie Mack in the U.S. Senate** (emphasis in original).¹³ The solicitation did
14 not include any reference to a particular fundraiser and did not specify a contribution amount. It
15 stated that corporate contributions to the RPOF are unlimited.

16 The RPOF explained that its Finance Director, Rob Carter, conceived, developed, and
17 produced the solicitation. See Attachment 3 at 3, 4, and 5. The RPOF stated that Carter
18 attempted to take advantage of the publicity surrounding the September 22, 2000 Victory
19 Committee fundraiser, and that he distributed the Victory Committee's fundraiser information to
20 potential RPOF contributors in efforts to raise nonfederal funds for the RPOF. The RPOF further
21 explained that Carter telephoned potential contributors, and if they expressed an interest in

¹³ This statement appears to have been a major basis for the complaint in this matter.

1 contributing to the RPOF, he prepared the solicitation and faxed it to them. Carter assertedly
2 distributed approximately 30-50 of the solicitations in this manner.¹⁴

3 The RPOF acknowledged that the "combining of invitations was an ill-advised attempt by
4 Carter to use the publicity surrounding the September 22, 2000 Victory Committee event" to
5 raise funds for the RPOF, but it pointed out that, despite the "badly worded invitation," the
6 solicitation yielded no contributions. See Attachment 2 at 3 and Attachment 3 at 4.

7 The RPOF also acknowledged receiving a total of 13 contributions of \$20,000 each
8 during September 2000.¹⁵ See Attachment 2 at 12. However, the RPOF asserted that those
9 contributions were raised in connection with fundraisers unrelated to the Victory Committee's
10 September 2000 event. The RPOF also asserted that its records showed that it did not receive
11 any nonfederal funds, proceeds, or transfers from Bill McCollum, his Senate campaign or the
12 Victory Committee. See Attachment 2 at 13. In support of its assertions, the RPOF provided an

¹⁴ The RPOF also provided two additional documents that assertedly accompanied the solicitation – a fact sheet with "Rep. John Thrasher" on the letterhead ("Thrasher fact sheet") and a fact sheet with the logo McCollum on one line and U.S. Senate on a second line ("McCollum fact sheet"). See Attachment 3 at 8, 10. Both fact sheets referred to a McCollum for U.S. Senate fundraiser titled "Prelude to Victory" that was held on the same date, time, and location as the Victory Committee fundraiser. The fact sheets showed the details of the luncheon, including a brief description of the event, the date, time, location, and cost. The Thrasher fact sheet had a cost of \$20,000 per person and stated that corporate funds were acceptable. See Attachment 3 at 8. The McCollum fact sheet showed a price of \$500 per person/\$1,000 per couple and specifically requested personal or PAC checks only. See Attachment 3 at 10. The McCollum fact sheet also showed the following tiered contribution levels: "Co-Chairmen @ \$25,000, Vice-Chairmen @ \$15,000, and Host Committee @ \$5,000," and directed contributors to send checks to McCollum's Senate campaign. The fact sheet also included a disclaimer stating that it was paid for by McCollum's Senate campaign.

¹⁵ Those 13 contributions were disclosed in the RPOF's state disclosure reports and were mentioned in the First General Counsel's Report in this matter. See page 9, note 11 of that report. The instant investigation focuses on contributions of \$20,000 because the complaint alleged that corporate contributions of that amount were solicited to benefit McCollum's Senate campaign. In addition, documents that assertedly accompanied the solicitation, produced only after this Office asked follow-up questions, solicited \$20,000 contributions.

1 affidavit of Nancy Watkins, a certified public accountant who audited its records.¹⁶ See
2 Attachment 2 at 16. In her affidavit, Watkins stated that her review of the RPOF's nonfederal
3 account records for September 2000 confirmed the RPOF's receipt of 13 contributions of
4 \$20,000 each. She stated that the records indicate that 12 of those contributions were raised in
5 connection with events other than the Victory Committee's fundraiser. According to Watkins,
6 she did not locate any documents linking the remaining \$20,000 contribution (from Lorillard
7 Tobacco Company) with the Victory Committee fundraiser.¹⁷ Watkins also stated that the
8 RPOF's nonfederal account received other contributions in varying amounts during the
9 September 2000 period, but asserted that there is no indication that any of those contributions are
10 connected with the September 22, 2000 Victory Committee fundraiser.

11 Watkins also affirmed that the RPOF did not make any direct disbursement regarding the
12 Victory Committee fundraiser, other than the \$10,086 reimbursement to Carter, for costs in
13 connection with his September 20 to 22, 2000 hotel stay.¹⁸ See Attachment 2 at 17. Finally,
14 Watkins reiterated the RPOF's assertion that it did not receive any transfers, contributions or
15 anything of value from or on behalf of Bill McCollum, his Senate campaign, the Victory

¹⁶ In her affidavit, Watkins disclosed that she has been providing professional services to the RPOF on a contract basis since January 2000

¹⁷ Watkins provided a copy of the Lorillard contribution check, dated September 20, 2000, and an accompanying cover letter dated September 21, 2000. See Attachment 2 at 22. The RPOF stated that the check was received on September 26, 2000. The cover letter was signed by Steven "Steve" Watson, the company's Vice President of External Affairs, and requested an acknowledgement of the contribution

¹⁸ Watkins provided a copy of the reimbursement check, dated November 6, 2000, which showed "Phone Travel" on the memo line of the check. See Attachment 2 at 24. Watkins also provided a copy of a hotel invoice showing charges totaling \$638.26 primarily for telephone calls, laundry, lodging, food, and drink. See Attachment 2 at 25-28. This Office examined the telephone numbers listed on the hotel invoice to determine whether any of them were associated with the \$20,000 contributors to the RPOF. A review of public telephone listings, state and federal contributor filings, and other public databases did not show a connection between the telephone numbers shown on the hotel invoice and any of the \$20,000 contributors.

1 Committee, or the NRSC in connection with the September 22, 2000 Victory Committee
2 fundraiser.¹⁹ The RPOF also provided an affidavit from its former executive director, W. James
3 "Jamie" Wilson, who stated that the RPOF held fundraisers in Orlando, Tampa, and Naples,
4 Florida on September 22, 2000, but that those events were separate and apart from the Victory
5 Committee's fundraiser in Miami on the same day. See Attachment 2 at 31.

6 As the RPOF asserted that the solicitation did not generate any contributions, this Office
7 sought to independently determine whether any of the \$20,000 contributions the RPOF received
8 resulted from the solicitation. Prior to its repeal, section 102.5(a)(3) of the Commission's
9 regulations provided that any party committee solicitation that makes reference to a federal
10 candidate or a federal election shall be presumed to be for the purpose of influencing a federal
11 election, and contributions resulting from that solicitation shall be subject to the prohibitions and
12 limitations of the Act.²⁰ 11 C.F.R. § 102.5(a)(3), *repealed by* BCRA, *supra* note 3. See 67 Fed.
13 Reg. 49,064 (July 29, 2002). Therefore, if we were to show that the RPOF did in fact receive
14 contributions from the solicitation, it would provide a basis for determining that the contributions
15 were unlawful, given evidence that the RPOF was not an authorized joint fundraising participant.
16 In addition, because it would have directly contradicted the assertions made by the RPOF that no
17 contributions resulted from the solicitation, it would have also called into question the RPOF's

¹⁹ Watkins stated that the only money the RPOF received was a \$1,600 payment on October 25, 2000 from McCollum's Senate campaign for use of a RPOF bus at the Republican National Convention in July 2000. She provided a copy of the check, which was dated September 5, 2000. See Attachment 2 at 30.

²⁰ The presumption may be rebutted by demonstrating to the Commission that the funds were solicited with express notice that they would not be used for federal election purposes. *Id*

1 other assertions, including its assertion that it was not a participant in the joint fundraising event.

2 This Office informally interviewed several of the \$20,000 contributors to the RPOF who
3 were discussed in the RPOF's subpoena responses. Specifically, this Office interviewed Steven
4 "Steve" Watson, Vice President of External Affairs for Lorillard Tobacco Company
5 ("Lorillard"), the only \$20,000 corporate contributor about which the RPOF expressed
6 uncertainty as to which event the contribution was connected. In his initial telephone interview,
7 Watson was unable to recall the events leading up to the contribution, including whether there
8 was a written solicitation associated with the contribution.²¹ He added that Lorillard would not
9 normally require a written solicitation prior to making a contribution. Watson specifically stated
10 that Carter never mentioned to him that Lorillard's contribution would in any way benefit
11 McCollum's Senate campaign and that he did not attend any fundraiser related to the
12 contribution.²²

13 Watson provided copies of three documents from Lorillard files: the September 21, 2000
14 cover letter transmitting Lorillard's \$20,000 contribution check to the RPOF; an October 5, 2000
15 cover letter transmitting an additional \$25,000 contribution that Lorillard made to the RPOF; and
16 a September 7, 2000 facsimile ("fax") transmittal sheet from Carter to Watson. See Attachment

²¹ As previously mentioned in footnote 16, *supra*, the RPOF's response shows that Lorillard's \$20,000 contribution check, dated September 20, 2000, was transmitted to the RPOF by a cover letter signed by Watson. Watson acknowledged signing the cover letter, which he described as a standard cover letter from his office. He advised that the contribution check was machine-generated and that he did not sign the check. Watson did not recall whether Lorillard received the requested acknowledgement of the contribution.

²² Watson also stated that he has known Carter since around 1987. According to Watson, both he and Carter were "field directors" for then-Vice President George H. W. Bush's Presidential campaign. In addition, he and Carter worked together on several congressional campaigns and as "field coordinators" for the Republican National Committee. Watson also mentioned that he met McCollum sometime in 1996, but does not know McCollum personally. He added that he has personally contributed to McCollum's Senate campaign. Commission records show that Watson contributed \$1,000 to Bill McCollum for US Senate on November 15, 1999.

1 4. The transmittal sheet referred to an accompanying document. However, Watson did not
2 provide that document. In a follow-up telephone interview, Watson stated that, apart from it
3 being sent by Carter, he has no specific recollection of the fax transmittal sheet or of the
4 handwritten notes in the margins of the document.²³ Watson also added that he did not know
5 what other document accompanied the fax sheet or what information that document contained.
6 He could not recall whether he had a conversation with Carter prior to or after receiving the fax.

7 During his initial telephone interview, Watson was unable to recall whether Lorillard's
8 \$20,000 contribution was the result of a specific solicitation. Therefore, this Office showed
9 Watson a copy of the solicitation that Carter sent out to possibly refresh his recollection on this
10 point. The solicitation was faxed to Watson at the beginning of the follow-up interview. Watson
11 stated that he had not previously seen the solicitation and doubted that the solicitation was the
12 document accompanying the September 7, 2000 fax from Carter. Watson added that he would
13 have remembered the solicitation because he was aware that making a corporate contribution to a
14 federal committee is illegal, and the solicitation would have "immediately caused a red flag."

15 In addition to interviewing Watson about Lorillard's contribution, this Office interviewed
16 other \$20,000 contributors to the RPOF. Information and documents from those contributors

²³ Watson explained that the fax sheet was retrieved from a file kept by his assistant, Karen Cook, to whom he probably forwarded it for filing after receiving the fax from Carter. The handwritten notes are of a telephone number and three monetary figures: \$20,000/\$25,000 and (\$5,000). See Attachment 4 at 2. Watson stated that he did not make the handwritten notes, adding that Cook could have made them. He speculated that the monetary figures possibly refer to Lorillard's prior contributions to the RPOF and its \$5,000 contribution to McCollum's Senate campaign by its political action committee, LOPAC. Commission records show that LOPAC actually made a \$5,000 contribution to the National Republican Senatorial Committee (federal account). The contribution was reported as made on October 4, 2000, the same date that LOPAC also made a \$2,000 contribution to McCollum's Senate campaign.

1 showed that their contributions were unrelated to the solicitation at issue. For example,
2 documents provided by one of those contributors, George Steinbrenner III, showed that his
3 contribution was associated with a RPOF event called "Florida Victory 2000" that was held on
4 the evening of September 22, 2000 in Tampa, Florida.²⁴ See Attachment 5. Another contributor,
5 Andrew Rayburn, stated that his contribution was solicited by individuals associated with the
6 national Republican Party and Bush/Cheney 2000, not by anyone from the RPOF.²⁵ Two other
7 contributors, E. Llwyd Ecclestone and his wife, Diana Ecclestone, were unable to recall the
8 specific circumstances of their contributions or to locate any pertinent documents. However,
9 Mr. Ecclestone, who spoke on behalf of himself and his wife in the interview, disavowed any
10 knowledge of Carter, stating that he dealt with another RPOF official. No contributor provided
11 any information that even raised any question as to whether their contribution was a result of
12 Carter's solicitation.

13 **IV. CONCLUSION**

14 The RPOF's solicitation, which specifically states that corporate contributions would be
15 collected to benefit McCollum's Senate campaign, appears to be the primary basis for the
16 complaint in this matter. However, despite the statement, this Office was unable to
17 independently uncover any evidence to counter the RPOF's assertion that the solicitation did not

²⁴ A representative of Steinbrenner stated that Steinbrenner had actually contributed \$25,000, his contribution was split up by the RPOF - \$5,000 to the RPOF's federal account and the \$20,000 to the RPOF's nonfederal account. The \$5,000 was reported to the Commission.

²⁵ According to Rayburn, he contributed a total of \$150,000 based on the solicitation from the national Republican Party and Bush/Cheney 2000. He made the contributions simultaneously by four separate checks: \$105,000 to the Republican National State Elections Committee on September 20, 2000, \$20,000 to the Republican National Committee on September 19, 2000, \$5,000 to the RPOF's federal account on September 19, 2000, and the instant \$20,000 to the RPOF's nonfederal account on September 20, 2000. Rayburn provided copies of the RPOF contribution checks, both were dated September 11, 2000. See Attachment 6.

1 raise any contributions. Significantly, documents and information provided by the \$20,000
2 contributors this Office interviewed confirmed the RPOF's assertions that their respective
3 contributions were unrelated to the solicitation or to the Victory Committee's fundraiser.

4 In light of the above, any potential violations of the Commission's joint fundraising
5 regulations that might be inferred from the creation or distribution of the solicitation are
6 inconsequential. This Office's position takes into account that the available information also
7 does not indicate that Carter or the RPOF acted in concert with the Victory Committee or the
8 joint fundraising participants in creating or distributing the solicitation.

9 In sum, the available information does not show that the Victory Committee or its
10 participants raised or received corporate contributions in conjunction with the Victory
11 Committee's September 22, 2000 fundraiser to benefit McCollum's 2000 Senate campaign, or
12 that they engaged in joint fundraising activities with the RPOF. Accordingly, this Office
13 recommends that the Commission take no further action against the RPOF, the NRSC, and the
14 Victory Committee regarding its reason to believe findings related to 2 U.S.C. § 433(b)(2) and
15 11 C.F.R. § 102.17(c), and close the file as to each of them. This Office also recommends that
16 the Commission find no reason to believe that Bill McCollum; Bill McCollum for US Senate and
17 Richard L. Pilhorn, as Treasurer; John Thrasher; and the Republican Party of Florida (Federal
18 Campaign Account) and Joel Pate, as Treasurer, violated the Act in this matter and close the file
19 as to each of them.

V. **RECOMMENDATIONS**


1. Take no further action against the McCollum Victory Committee and D. Jan McBride, as Treasurer, regarding 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.17(c).
2. Take no further action against the National Republican Senatorial Committee and Melinda Anderson, as Treasurer, regarding 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.17(c).
3. Take no further action against the Republican Party of Florida (nonfederal account) and Joel Pate, as Treasurer, regarding 11 C.F.R. § 102.17(c).
4. Find no reason to believe that the Republican Party of Florida (Federal Campaign Account) and Joel Pate, as Treasurer, violated the Act in this matter.
5. Find no reason to believe that Bill McCollum violated the Act in this matter.
6. Find no reason to believe that Bill McCollum for US Senate and Richard L. Pilhorn, as Treasurer, violated the Act in this matter
7. Find no reason to believe that John Thrasher violated the Act in this matter.
8. Close the file.
9. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

11/10/09
Date

BY: Rhonda J. Vosdingh by LLC.
Rhonda J Vosdingh
Associate General Counsel
for Enforcement

Cynthia E. Tompkins
Cynthia E. Tompkins
Assistant General Counsel



Kamau Philbert
Attorney

Attachments

1. Victory Committee and NRSC joint response
2. RPOF initial response
3. RPOF supplemental response
4. Watson documents
5. Steinbrenner documents
6. Rayburn documents

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